

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q97359

Naohisa TACHIYA, et al.

Appln. No.: 10/594,923

Group Art Unit: 1621

Confirmation No.: 5287

Examiner: Peter G O'SULLIVAN

Filed: May 2, 2007

For: 5-AMINOLEVULINIC ACID SALT, PROCESS FOR PRODUCING THE SAME AND
USE THEREOF

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on
July 6, 2011:

REMARKS

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: NONE;
2. Identification of claims discussed: All claims;
3. Identification of art discussed: All cited art;
4. Identification of principal proposed amendments: NONE;
5. Brief Identification of principal arguments: None of the cited references provides an enabling disclosure for making the claimed phosphate compounds, and therefore cannot stand against the novelty of the present claims. Also, as shown by Journal of Photochemistry and

Photobiology B: Biology 34 (1996) 143-148, ALA is unstable and, thus one of ordinary skill in the art would understand that the manufacture of the ALA phosphate salt is not routine. Further, Applicants provided evidence to show that 5-aminolevulinic acid phosphate alone was not isolated and purified prior to March 28, 2005, the international filing date of the present application; and that 5-aminolevulinic acid phosphate alone was isolated and purified for the first time by the present inventors. Still further, the claimed compounds have unexpectedly superior properties;

6. Indication of other pertinent matters discussed: NONE;

7. Results of Interview: The Examiner agreed to consider the arguments again.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,

/Hui C. Wauters/

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Date: August 23, 2011

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